

United States District Court  
Eastern District of New York

.....X

Judge: ERK

Docket #: 96-CV-420

UNITED STATES OF AMERICA

Related CR Case#: 91-cr-989

vs.

USCA #:

BORIS GOLDBERG

.....X

Supplemental

**INDEX TO RECORD ON APPEAL**

Index prepared by: Marilyn Glenn, Deputy Clerk

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All circled documents are part of the supplemental ROA.

Note: This ROA contains: Criminal documents as related to  
2255

**CLOSED**

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CRIMINAL DOCKET FOR CASE #: 1:91-cr-00989-EHN-ALL  
Internal Use Only**

**Case title:** USA v. Goldberg

**Date Filed:** 09/17/91

**Other court case number(s):** None

**Magistrate judge case number(s):** None

Filing Date	#	Docket Text
09/17/1991	①	ORDER as to Boris Goldberg, Unsealing Indictment ( Signed by Judge Eugene H. Nickerson , dated: 9/17/91) (Johnson, Lorraine) (Entered: 09/18/1991)
09/17/1991	④	ORDER OF PERMANENT DETENTION as to Boris Goldberg ( Signed by Magistrate Joan M. Azrack , dated: 9/17/91) (Johnson, Lorraine) (Entered: 09/25/1991)
09/18/1991	②	INDICTMENT as to Boris Goldberg (1) count(s) 1, 2, 3 (Johnson, Lorraine) (Entered: 09/18/1991)
09/18/1991	3	CALENDAR ENTRY as to Boris Goldberg ; Case called before Magistrate Joan M. Azrack on date of 9/16/91 the Grand Jury presentment of the indictment handed up and ordered filed. (Johnson, Lorraine) (Entered: 09/18/1991)
09/18/1991		Added Government Attorney William Gurin (Johnson, Lorraine) (Entered: 09/18/1991)
10/03/1991	⑥	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 10/3/91 for conference. Court Reporter/ESR Karaska . AUSA William Gurin. Conference adjourned to 10/18/91 at 10:00 A.M. (Lui, Lin) (Entered: 10/07/1991)
10/03/1991	⑦	TRANSCRIPT of criminal cause for bail application before Judge Nickerson on 9/25/91. Audio Operator Marc V. Brown. (Lui, Lin) (Entered: 10/07/1991)
10/04/1991	⑤	CALENDAR ENTRY as to Boris Goldberg; Case called before Judge Eugene H. Nickerson on date of 9/25/91 for pretrial conference. ESR Bob Karaska. Deft moves for modification of Mag. Joan Azrack's order of detention. Bail motion argued. Motion denied. Detention continued. Case

		adjourned to 10/10/91 at 9:30 a.m. (Jordan, Amy) (Entered: 10/04/1991)
10/10/1991	(8)	ORDER as to Boris Goldberg, Unsealing Indictment ( Signed by Judge Eugene H. Nickerson , dated: 10/4/91) (Johnson, Lorraine) (Entered: 10/10/1991)
10/10/1991	(9)	ORDER dated 10/3/91 START DATE 10/3/91 & STOP DATE 10/18/91 XT as to Boris Goldberg ( Signed by Judge Eugene H. Nickerson , dated: 10/3/91) (Johnson, Lorraine) (Entered: 10/10/1991)
10/10/1991		**Excludable XT start as to Boris Goldberg (Johnson, Lorraine) (Entered: 10/10/1991)
10/10/1991	(11)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 10/10/91 for pretrial conference Court Reporter/ESR Marcy, s status conference for 10:00 10/18/91 for Boris Goldberg (Johnson, Lorraine) (Entered: 10/18/1991)
10/17/1991	(10)	ORDER dated 10/10/91 XT starttr date 10/10/91 & Stop date 10/18/91 as to Boris Goldberg ( Signed by Judge Eugene H. Nickerson , dated: 10/10/91) (Johnson, Lorraine) (Entered: 10/17/1991)
10/17/1991		**Excludable XT start as to Boris Goldberg (Johnson, Lorraine) (Entered: 10/17/1991)
10/25/1991	(14)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 10/25/91 for pretrial conference Court Reporter/ESR Marcy, s status conference for 11/22/91 for Boris Goldberg (Johnson, Lorraine) (Entered: 11/05/1991)
10/29/1991	(12)	NOTICE of Appearance for Boris Goldberg by Attorney John N icholas Ianuzzi. (Johnson, Lorraine) (Entered: 10/29/1991)
10/29/1991	(13)	ORDER dated 10/25/91 XT Start date 10/25/91 and Stop date 11/22/91 as to Boris Goldberg ( Signed by Judge Eugene H. Nickerson , dated: 10/25/91) (Johnson, Lorraine) (Entered: 10/29/1991)
10/29/1991		**Excludable XT start as to Boris Goldberg (Johnson, Lorraine) (Entered: 10/29/1991)
11/01/1991	(15)	(COPY) of letter to John Iannuzzi from William Gurin dated 11/1/91 re: the government hereby furnishes discovery pursuant to Rule 16. as to Boris Goldberg (Johnson, Lorraine) (Entered: 11/05/1991)
11/22/1991	(16)	CALENDAR ENTRY ; Case called before Judge Eugene H. Nickerson on date of 11/22/91 for conference Court Reporter/ESR R.Karaska, AUSA W.Gurin, s status conference for 9:30 12/11/91 for Boris Goldberg Conference adjourned 12/11/91 @ 9:30 A.M. (Johnson, Lorraine)

		(Entered: 12/10/1991)
12/11/1991	(17)	CALENDAR ENTRY ; Case called before Judge Eugene H. Nickerson on date of 12/11/91 for pretrial conference ESR Beauford, case called, defendant present appears with counsel r status conference for 1/9/92 for Boris Goldberg (Johnson, Lorraine) (Entered: 12/19/1991)
01/09/1992	(18)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 1/9/92 for pleading ESR Brown, AUSA W.Gurin, Guilty: Boris Goldberg (1) count(s) 1 Defendant continued in custody, and pleads guilty to count 1. (Johnson, Lorraine) (Entered: 01/22/1992)
07/28/1992	(19)	TRANSCRIPT OF PLEADING before Judge Nickerson filed in case as to Boris Goldberg for dates of 1/9/92 ; ESR: Mark Brown (Johnson, Lorraine) (Entered: 07/29/1992)
08/28/1992	(20)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 8/28/92 for conference, case adjourned, s Sentencing for 11:00 9/25/92 for Boris Goldberg (Johnson, Lorraine) (Entered: 09/04/1992)
09/14/1992	(21)	MOTION by Boris Goldberg for discovery material pursuant to Federal Rules Crim Procedures Rule 16 ; Motion Hearing/Return date of <date not set> for Boris Goldberg [21-1] motion (fe) (Entered: 09/18/1992)
09/25/1992	(22)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 9/25/92 for sentencing Court Reporter/ESR Gjezag, AUSA W. Gurin, r Sentencing for 11:00 10/9/92 for Boris Goldberg (Johnson, Lorraine) (Entered: 09/29/1992)
10/09/1992	(23)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 10/9/92 for sentencing Court Reporter/ESR J.Howell, AUSA W.Gurin. Defendant present (in custody) appears with counsel. FATICO hearing begun. Hearing continued to 10/13/92 at 9:30 A.M. (Johnson, Lorraine) (Entered: 10/22/1992)
10/13/1992	(24)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 10/13/92 for FATICO HEARING CONTINUED Court Reporter/ESR Silva, AUSA W.Gurin, Defendant present (in custody) appears with counsel, defendants motion Denied. (Johnson, Lorraine) (Entered: 10/22/1992)
10/13/1992	(25)	CALENDAR ENTRY as to Boris Goldberg ; Case called before Judge Eugene H. Nickerson on date of 10/13/92 for sentencing Court Reporter/ESR Silva, AUSA W. Gurin. Defendant present (in custody) appears with counsel. (Johnson, Lorraine) (Entered: 10/22/1992)

10/13/1992		Sentencing held Boris Goldberg (1) count(s) 1 (Yuen, Sui May) (Entered: 10/22/1992)
10/22/1992	26	LETTER to Judge Nickerson from John N. Iannuzzi dated 9/30/92 re: no objection to being assigned to defendant Goldberg. (Johnson, Lorraine) (Entered: 10/22/1992)
10/22/1992	27	JUDGMENT Boris Goldberg (1) count(s) 1. All open counts are dismissed on govt's motion. Dft is sentenced to 15 years imprisonment with credit for time served; \$250,000 FINE; and \$50.00 special assessment. ( Signed by Judge Eugene H. Nickerson , Dated 10/19/92) (Yuen, Sui May) (Entered: 10/22/1992)
10/22/1992		**Case closed as to all defendants: Boris Goldberg (Yuen, Sui May) (Entered: 10/22/1992)
10/22/1992		DISMISSAL of Count(s) on Government Motion as to Boris Goldberg Terminated motions: Counts Dismissed: Boris Goldberg (1) count(s) 2, 3 (Yuen, Sui May) (Entered: 10/22/1992)
10/22/1992	28	NOTICE OF APPEAL by Boris Goldberg (1) count(s) 1 . Deft appeals judgment signed 10/19/92 and filed 10/22/92. No fee - CJA attorney. Transcripts ordered. Forms distributed. USCA notified. Appeal originally filed 10/15/92. (McGee, Maryann) Modified on 10/22/1992 (Entered: 10/22/1992)
10/22/1992		Notice of appeal and certified copy of docket as to Boris Goldberg to USCA: [28-1] appeal (McGee, Maryann) (Entered: 10/22/1992)
11/02/1992	29	USCA Scheduling Order: as to Boris Goldberg [28-1] appeal Appeal Record due by 11/19/92 for Boris Goldberg USCA Number: 92-1617 Appellant's brief due 12/21/92. Appellee's brief due 1/20/93. Argument set for 2/15/93. (McGee, Maryann) (Entered: 11/23/1992)
11/20/1992		Certified and transmitted record on appeal to U.S. Court of Appeals as to Boris Goldberg : [28-1] appeal . Acknowledgment requested. Documents 1-28. Includes documents 16C and 17C. USCA#92-1617 (McGee, Maryann) (Entered: 11/20/1992)
11/30/1992	32	Acknowledgment from USCA received record on appeal as to Boris Goldberg RE: [28-1] appeal. USCA#92-1617 (McGee, Maryann) (Entered: 01/20/1993)
12/29/1992	30	TRANSCRIPT of criminal cause for sentencing before Judge Nickerson as to Boris Goldberg for dates of 10/9/92 ; Court Reporter/ESR: Jeffrey Howell (Lui, Lin) (Entered: 12/30/1992)
12/29/1992	31	TRANSCRIPT of criminal cause for hearing and sentencing before Judge



		Nickerson as to Boris Goldberg for dates of 10/13/92 ; Court Reporter/ESR: Jeffrey Howell (Lui, Lin) (Entered: 12/30/1992)
01/26/1993	33	CJA 20 as to Boris Goldberg : Appointment of Attorney Voucher # 0518707 ( Signed by Judge Eugene H. Nickerson , Dated 12/29/92.) Nunc Pro Tunc date 12/31/92. (Johnson, Lorraine) (Entered: 01/26/1993)
02/17/1993	(34)	NOTICE of motion for reduction of sentence pursuant to Rule 35 by Boris Goldberg. (Johnson, Lorraine) (Entered: 02/18/1993)
03/02/1993	(35)	MEMO/ORDER dated 2/25/93 defendant's Motion for reduction of sentence as to Boris Goldberg is-----DENIED ( Signed by Judge Eugene H. Nickerson , dated: 2/25/93) C/M (Johnson, Lorraine) (Entered: 03/02/1993)
06/01/1993	(36)	MANDATE OF USCA (certified copy) as to Boris Goldberg Re: [28-1] appeal affirming judgment Boris Goldberg (1) count(s) 1 Issued as Mandate 5/24/93. Acknowledgment returned to USCA. Chambers notified. USCA#92-1617. (McGee, Maryann) (Entered: 06/01/1993)
06/01/1993		**Remove appeal flag - no further appeals pending (McGee, Maryann) (Entered: 06/16/1993)
07/06/1993		Record on Appeal as to Boris Goldberg returned from U.S. Court of Appeals: [28-1] appeal (Gonzalez, Mary) (Entered: 07/06/1993)
09/13/1993	(37)	Letter dated 8/17/93 from Boris Goldberg to Judge Nickerson, requesting a copy of the deft's plea hearing, held on 1/9/92. (Dobkin, David) (Entered: 09/13/1993)
12/15/1993	(38)	LTR. to the Court from Boris Goldberg (defendant) dated 12/8/93 requesting a copy of the Information/Indictment. (Johnson, Lorraine) (Entered: 12/15/1993)
02/28/1994	(39)	NOTICE of motion to clarify sentence fine. by Boris Goldberg. (Johnson, Lorraine) (Entered: 03/01/1994)
05/20/1994	(40)	(Corrected original)TRANSCRIPT filed as to Boris Goldberg for sentencing held before June Nickerson on 10/13/92. AUSA: William Gurin. Defense Counsel: John Iannuzzi.ESR: Marcie Polanco (Asreen, Wendy) (Entered: 05/23/1994)
06/15/1994	(41)	MOTION by Boris Goldberg for appointment of private investigator [41-1] motion (Jackson, Ramona) (Entered: 06/15/1994)
06/15/1994		ENDORSED ORDER as to Boris Goldberg denying [41-1] motion for appointment of private investigator as to Boris Goldberg (1) ( Judge Eugene H. Nickerson , dated 6/10/94) (Jackson, Ramona) (Entered: 06/15/1994)

		06/15/1994)
03/02/1995	42	LETTER dated 2/21/95 from Boris Goldberg to Sir/Madam. Re: requests extension of time to file an appeal. (Vasquez, Liz) (Entered: 03/02/1995)
03/09/1995	43	LETTER dated 3/3/95 from Kathleen Kearns to Mr. Goldberg. RE: We are in receipt of your requesting corrections of your presentence report. Please note appropriate time to object is within 10 days of disclosure of the report. Any objections should have been made formally by your atty. (Vasquez, Liz) (Entered: 03/09/1995)
09/12/1995	(44)	LETTER dated 9/3/95 from Boris Goldberg to Judge Nickerson. RE: Requests status of a Rule 16 motion filed on 9/11/92. (Vasquez, Liz) (Entered: 09/12/1995)
09/15/1995	(45)	UNSIGNED ORDER. As deft Boris Goldberg intends to call Judge Nickerson as a witness, deft Goldberg requests that Judge Nickerson recuse himself from all proceedings involving the deft . ( dated: 9/10/95). (Vasquez, Liz) (Entered: 09/15/1995)
09/21/1995	(46)	LETTER dated 9/12/95 from Boris Goldberg to Chief Judge. RE: Requesting status on motions. (Vasquez, Liz) (Entered: 09/21/1995)
09/21/1995	(47)	Notice of MOTION by Boris Goldberg will move this court for an order disqualifying Judge Nickerson from passing judgment on the pending motion . No [47-1] motion hearing date set. (Vasquez, Liz) (Entered: 09/25/1995)
09/29/1995	(48)	Boris Goldberg requests an expedited evidentiary hearing to prove that Judge Nickerson must recuse himself. (Vasquez, Liz) (Entered: 09/29/1995)
09/29/1995	(49)	Please take NOTICE that deft Boris Goldberg will move this court for an ordering vacating and setting aside the judgment entered on 10/13/92. (Vasquez, Liz) (Entered: 09/29/1995)
09/29/1995	(50)	LETTER dated 9/24/95 from Boris Goldberg to William Gurin. RE: In response to your letter dtd 9/15/95. (Vasquez, Liz) (Entered: 09/29/1995)
10/02/1995	51	ORDER as to Boris Goldberg denying [49-1] notice, denying [48-1] notice, denying [47-1] motion will move this court for an order disqualifying Judge Nickerson from passing judgment on the pending motion as to Boris Goldberg (1) ( Signed by Judge Eugene H. Nickerson , dated: 9/26/95). C/M. (Vasquez, Liz) (Entered: 10/02/1995)
10/03/1995	(52)	LETTER dated 9/22/95 from William Gurin to Judge Nickerson. RE: In response to an application by petitioner in which he moves the court to recuse itself from further proceedings involving the petitioner. (Vasquez,

		Liz) (Entered: 10/03/1995)
10/04/1995	(53)	LETTER dated 9/28/95 from Boris Goldberg to Judge Nickerson. Re: I am writing to you to express the seriousness of the statements made by AUSA William Gurin in his letter dtd 9/22/95 to you and the facts that I State in my motions pending in this court and my letter to you dtd 9/28/95. (Vasquez, Liz) (Entered: 10/06/1995)
10/06/1995	(54)	Notice of MOTION by Boris Goldberg for discovery material pursuant to FRCP Rule 16 . No [54-1] motion hearing date set. (Vasquez, Liz) (Entered: 10/06/1995)
10/06/1995		ENDORSED ORDER as to Boris Goldberg denying [54-1] motion for discovery material pursuant to FRCP Rule 16 as to Boris Goldberg (1) ( Judge Eugene H. Nickerson , dated 10/4/95) (Vasquez, Liz) (Entered: 10/06/1995)
10/10/1995	55	NOTICE to Judge Nickerson for reconsideration of motion (for Judge Nickerson to recuse himself) by Boris Goldberg, dtd 10/3/95. (Vasquez, Liz) (Entered: 10/10/1995)
10/10/1995	56	LETTER dated 10/3/95 from Boris Goldberg to Judge Nickerson. RE: Enclosed find a copy of a current issue of the NY Times. Pls note, that AUSA Gurin committed in my case the same wrongful acts. This is why I request a hearing so that the wrongful acts committed by AUSA will be made part of courts files in my legal proceedings. (Vasquez, Liz) (Entered: 10/10/1995)
10/16/1995	(57)	MEMO/ORDER dated 10/6/95 that deft Boris Goldberg's motion for reconsideration of the court's denial of his motion that the court recuse itself is denied. (Signed by Judge Eugene H. Nickerson). (Greves, Liz) (Entered: 10/16/1995)
10/16/1995	(58)	MEMO/ORDER dated 10/5/95 that deft Boris Goldberg's motion to vacate his sentence is denied. CM (Signed by Judge Eugene H. Nickerson). (Greves, Liz) (Entered: 10/16/1995)
10/18/1995	59	LETTER dated 10/11/95 from Boris Goldberg to Clerk of Court. RE: Requesting documents. (Vasquez, Liz) (Entered: 10/19/1995)
10/19/1995	60	MAIL RETURNED. motion for discovery returned on 10/19/95. "RETURN TO SENDER-no longer at OTV. (Chambers advised). (Vasquez, Liz) (Entered: 10/19/1995)
10/19/1995	61	NOTICE of motion to vacate sentence by Boris Goldberg. (Vasquez, Liz) (Entered: 10/23/1995)
10/19/1995	62	TRANSCRIPT of criminal cause for status conference before Judge



		Nickerson filed in case as to Boris Goldberg for dates of 8/28/92 ; Court Reporter/ESR: Mark Gjelij. (Vasquez, Liz) (Entered: 10/23/1995)
10/31/1995	63	Memorandum and ORDER as to Boris Goldberg denying [61-1] notice ( Signed by Judge Eugene H. Nickerson , dated: 10/24/95). C/M. (Vasquez, Liz) (Entered: 10/31/1995)
10/31/1995	64	Memorandum and ORDER as to Boris Goldberg denying [55-1] notice ( Signed by Judge Eugene H. Nickerson , dated: 10/25/95). C/M. (Vasquez, Liz) (Entered: 10/31/1995)
11/03/1995	65	ORDER as to Boris Goldberg. Deft's motion for an order vacating and setting aside the judgment and permitting the withdrawal of his plea of guilty is DENIED. ( Signed by Judge Eugene H. Nickerson , dated: 10/12/95). C/M (Vasquez, Liz) (Entered: 11/03/1995)
11/07/1995	66	LETTER dated 10/17/95 from Boris Goldberg to Judge Nickerson. Requests copy of the Rule 16 motion that was denied. (Vasquez, Liz) (Entered: 11/07/1995)
02/21/1996	67	AFFIDAVIT of Zeronia Brown re: service of Letter upon Boris Goldberg on 2/21/96. (Greves, Liz) (Entered: 03/05/1996)
05/14/1996	68	MOTION by Boris Goldberg to Correct presentence investigation report . (Vasquez, Liz) (Entered: 05/20/1996)
01/02/1997	69	ORDER as to Boris Goldberg denying the [68-1] motion to Correct presentence investigation report dated 7/28/92 as to Boris Goldberg (1). ( Signed by Judge Eugene H. Nickerson , dated: 12/18/96) c/m. (Murphy, Margaret) (Entered: 01/02/1997)
02/05/1997		Certified and transmitted The First Supplemental record on appeal to U.S. Court of Appeals as to Boris Goldberg. Acknowledgment requested. PLEASE NOTE: THIS RECORD IS BEING SENT TO THE PRO SE TEAM FOR THIS IS THE UNDERLYING CRIMINAL CASE IN 96-cv-420. (Gonzalez, Mary) (Entered: 02/05/1997)
02/10/1997		Transmitted The Second Supplemental Record on Appeal: as to Boris Goldberg. PLEASE NOTE: THIS RECORD CONTAINS ONLY ONE DOCUMENT #69. (Gonzalez, Mary) (Entered: 02/10/1997)
02/11/1997	70	Acknowledgment from USCA received for the First Supplemental Record that was sent as to Boris Goldberg. (Gonzalez, Mary) (Entered: 02/11/1997)
09/30/1997		Record on Appeal as to Boris Goldberg returned from U.S. Court of Appeals: [28-1] appeal (Gonzalez, Mary) (Entered: 09/30/1997)

01/26/1998	(71)	letter dtd. on 1/22/98 from Elizabeth Munoz/USCA, requesting that the underlying criminal action for 96cv420 be sent to the USCA. (Vasquez, Liz) (Entered: 01/29/1998)
01/29/1998		Certified and transmitted record on appeal to U.S. Court of Appeals as to Boris Goldberg as per and to the attention of Elizabeth Munoz. PLEASE NOTE: THIS IS THE UNDERLYING CRIMINAL # in 96cv420. This record consists of doc# 2-31,34-41,44-47,49-54,57,58,70,71. Missing doc# 1,32,33,42,43,48,55,56,59-69. Acknowledgment requested. (Vasquez, Liz) (Entered: 01/29/1998)
02/05/1998	(72)	Acknowledgment from USCA received for the First Supplemental Record that was sent as to Boris Goldberg. Signed by MG. (Gonzalez, Mary) (Entered: 02/05/1998)
02/20/1998	73	LETTER dated 2.17.98 from Boris Goldberg to Empire Transcriptions and Recording Service inquiring about how he may obtain a taped copy of the 10.9.92 proceedings. (Hunter, Tara) (Entered: 02/23/1998)
04/14/1999	(74)	LETTER dated 4/8/99 from Boris Goldberg, to Clerk of the Court, requesting a copy of the docket sheet. **Pro Se responded. (Murphy, Margaret) (Entered: 04/15/1999)
02/25/2004		***Staff Notes as to Boris Goldberg : Ordered 91cr989 to supplement 96-c-420 ROA. (Glenn, Marilyn) (Entered: 02/25/2004)